

November 5, 2009

Meeting began at 7:05 p.m.

Present: Mayor Bill Muse; Councilmembers Gladys Leevre, Dennis Bertucci, Wendell Roundy, Randy Ripplinger;; Clerk Judi Davis; Attorney Mark McIff.

Public present: Mike Ottenbacher, Roger Wilson, Richard Hepworth, and Mike Hadley representing DWR; Kevin Schulkoski, Mike Golden and one other person representing USFS; Carl Albrecht representing Garkane Energy; Steve and Cheryl Cox, Abbie Sullivan, Loch Wade, Constance Lynn and Matt Cochran, Anselm Spring, Sergio Femenias and Peg Smith, Ray Nelson, Tom Jerome, Gordon Bosworth (Boz), Ashley Coombs, Mikhaal Chillier, Walt Gove, Curtis Oberhansly, Lisa Varga, Susan Richards, Dave Nessia, Elizabeth Rosen, Troy Julian, Kathryn Golfinopolous, Darrin Logan, Pete and Cookie Schaus, Judy Drain, Kathy McCance, and three others.

Pledge of allegiance

Randy made a motion we approve the minutes of the meetings of October 1 and October 15 as written. Gladys seconded the motion. The vote was unanimous.

Jones and DeMille will send an architect to do a free rough estimate of the cost of remodeling the building prior to our applying for a grant through the CDBG program. Bill will work with him to set a date.

At 9:00 a.m. on October 10 we will canvass the election returns.

Mike Ottenbacher from the Division of Wildlife Resources, Carl Albrecht from Garkane, and Kevin Schulkoski from the Forest Service, along with support people from their agencies, have come to present information on the Boulder Creek project and general native trout program. Mike gave a power point presentation on native trout management. There are two main native trout species in the state, the Colorado River Cutthroat (CRCT) and Bonneville Cutthroat. There are no immediate plans to do any other projects in our area than the East Fork.

Mike stated that part of the motivation for the project is to enhance the remnant populations of CRCT at the headwaters of streams in the Escalante River drainage in order to keep them from becoming listed as threatened. In order to enhance that population, they determined that they would have to remove the Brook Trout in order to establish the native species.

They are also working under contract as part of Garkane's FERC relicensing agreement, which requires mitigation of impacts on the environment. The settlement agreement was signed in 2007 by Garkane, the Forest Service, and the Division of Wildlife Resources. As part of this project, they were required to construct two migration barriers, which was done this fall. An important part of the process is the outreach, which they admitted they haven't done very well. They are in the process of building information kiosks explaining the project.

Eliminating the Brook Trout in order to establish the CRCT is a process in which one treatment is done in each of two successive years in order to remove the Brook Trout. They plan to treat again in the summer of 2010 the section done this year, which was from the headwaters to the East Fork reservoir. Next year they will do the first treatment of the second section (East Fork reservoir to the confluence), then do the retreatment in 2011. If the treatment is successful, they could start restocking the stream next fall.

The methods of eradication were explained. It is done through the use of rotenone (a naturally occurring substance,) the use of potassium permanganate to neutralize the rotenone downstream, and the use of a petroleum-based carrier for the rotenone. No other method of eradication that has been tried has been successful. The duration of the program is three years, the first treatment of four being September 28, 2009. He apologized for not fully notifying the town.

After his presentation, he opened the meeting to questions and discussion.

Abbie is concerned that rotenone kills all species of fish and aquatic insects and thus affects the entire surrounding ecology. Response: There have been extensive studies done on the effect of rotenone on these species. Some will be re-introduced. In 70 years there haven't been recorded negative impacts on the biodiversity and ecosystems of the waters treated. It is not a long-lasting poison and is a tool to manage the fisheries. The concentration and duration of the chemical are chosen to target just fish. It is not too hard on insects, which repopulate and recolonize quickly from surrounding areas. The use of rotenone has less impact on them than a major flood does.

Tom asked if they have had instances where non-native species return to areas that have been treated. Response: In spite of the barriers placed to prevent their return, they eventually find ways to get back, often by the carelessness of people.

Kathy has concerns about rotenone being lipophilic and thus a safety hazard to human health. She asked Mike if he was familiar with the first human study in East Texas correlating rotenone with Parkinson's disease. Response: They are familiar with the study. There are no concentrations of rotenone in the water. It breaks down rapidly into

non-toxic substances. There is no concentrated exposure. Kathy's research maintains that there is no information available on the affects on the brain and that long-term studies of rotenone have not been done. She feels it hasn't been studied enough. Response: The research they have seen shows that, if a person ingests it, the enzymes break it down into its natural substances. Mike is confident of its safety based on lots of research.

Boz made an analogy to DWR using sentinel fish to test if poison still exists in the creek and expressed that people living downstream feel that they are also sentinels. We don't want to find out too late that we are test cases. Response: It has been used for 70 years with no ill effects.

Mikhaal stated that we could debate for a long time and recognized that DWR is trying to do what they feel is a good thing, but pointed out that we have what he feels are valid concerns. He would like the government to have a dialog with us and not a fight. Why is it important to go ahead when we have concerns about our health? Why is it necessary to have native fish? Is there money behind this effort that makes having native species more important than our health? Response: There is concern for the health of the town, but it isn't an issue of having to choose between the two. There is enough evidence and EPA testing to have come up with a short-term dosage of rotenone that is safe. There is at most a six-hour exposure, and the concentration is very low. Wells in the drainage show no trace. One of their failings in this program has been in not fully notifying the town beforehand, and they want to develop better methods of communication.

Loch asked if, since the non-native fish will eventually come back and that will cause the repeat application of rotenone, we could work together and ask DWR to discontinue the poisoning of Boulder Creek. Response: They can work with us on the project. It is not a foregone conclusion that it has to be done next year. The project is part of the FERC relicensing of the Garkane Power Plant, and this year's project will be reviewed by them. Loch asked again if there could be a dialog about not poisoning in the future. Response: Maybe, if there is good evidence that human health is being compromised. They don't think there is evidence of that, but they are aware of our concerns. They are working with the latest and best information available. There has never been a documented case of effects on humans.

Kathy stated that the problem is that people don't really *know* what the effects are. In the UK rotenone has been banned, and studies show that there is insufficient data on long-term exposure to humans. Response: There *is* no long-term exposure in the environment. After 6-8 hours, the rotenone is gone. The only long-term exposure is to the people who are handling the chemicals. Long-term exposure to the environment is non-existent.

Walt feels they are doing this project because there is pressure to preserve the Colorado Cutthroat Trout under the provisions of the Endangered Species Act. Response: They are not listed now, and the DWR is trying to keep them from becoming endangered and then having to deal with even more restrictions. They are part of our original heritage.

Anselm feels it is more about catering to the sports fishing and human interests than to protect nature. Response: They work for the interests of Utah's population—*all* users. If he did a survey he thought most Utahns would want certain fish in creeks and lakes.

Kathryn stated that several times in their presentation they had mentioned that the program is benefitting the native population of fish and sport fishermen, but we depend on the water for our existence. We're not comfortable with this in our water. Constance added that some in the community have met and have some alternative solutions. She quoted an instance of rotenone poisoning effects on humans and an article claiming there isn't enough research on the effects of rotenone and its neutralizing chemicals. She thinks biodiversity is being affected and feels the people in the room wants it to stop. In spite of its having been used for 70 years, there is a recent outcry against it. She feels DWR is playing with life. Response: They recognize that values and cultures change. The recent emphasis on restoring native species is also a change from the past.

Bill stated that in 2007 the Colorado Cutthroat was not listed as endangered. DWR is just filling one of the requirements of FERC relicensing. Garkane spent \$1.5 million on the relicensing process. Boulder Irrigation Company was not a signer to the agreement and will file criminal charges if water is taken from their company. The people of Boulder are paying the cost of this relicensing. Response: The Boulder Creek project is part of the mitigation of relicensing, and he doesn't want to rehash it. It's a done, signed deal. He sympathizes, but during the 50 years of the previous license period, there were impacts on the ecosystem. We need to get the best information together. They are entrusted with the management of wildlife and natural resources. But human health is uppermost.

Kathryn asked if the water downstream was tested for rotenone. Response: It was tested by the sentinel fish.

Tom asked how the reintroduction of beaver would affect the fisheries. Response: It would be good, but they would have to work with the power and irrigations interests.

Dennis stated that, if netting the fish instead of poisoning them were allowed, people here will show up. Response: They appreciate the offer, but long history shows it's impossible. They have tried it in the past and found that it has to be continually on-going and is actually more destructive to the environment than the current method.

Troy asked what the petroleum carrier is. Response: It has been studied. Troy then asked about things like DDT that have proved to be harmful after the fact, to which Mikhaal added that we'd rather not add any chemicals to our water. Matt asked about the quantities of rotenone with the petroleum carrier, and the amount of potassium permanganate used on Boulder Creek. Response: Less than 15 gallons of 5% rotenone (including the carrier) were used in the whole program. They weren't certain of the amount of potassium permanganate used but offered to get the figures later.

Ray wondered why do it at all if, in spite of the treatment, the populations will come back and it will have to be done again. Response: There will be instances where non-natives will come back. They're playing the odds that they will get the native population established. The alternative of doing nothing is that the population of natives will decline to the point that they will be listed as endangered. If the DWR doesn't do it, some other agency will come in and do it. We don't want these species to become listed. Just a small percentage of projects will have to be re-done. Places being restored had historic habitat. By and large the general public want fisheries managed.

Loch acknowledged that there are diverse interests and asked if we could have a dialog on alternatives. Can there be a study, hold treatment in abeyance, and see if the fish can hold their own? In the meantime, poisoning won't happen, and studies will be done. Can we have a dialog? Response: They are happy to talk, but they have to meet the conditions of the FERC agreement.

Carl suggested that FERC might work with the DWR if they wrote telling them of the pressure from the people of Boulder to discontinue the program.

Susan stressed that they at BOSS and other users of the forest need to know when they are going to treat the water before they do it. Response: One thing they want to have come from this meeting is better communication with the community. To a question about whether the carrier (which they didn't have the name of but could furnish later) and the potassium permanganate have been studied, the response was that they have been, and they will furnish the group with copies of those studies. The last poisoning was during the last few days of September, but next year it will be earlier in the season.

Mike agreed to a future meeting with townspeople specifically on the possibility of not poisoning Boulder Creek again and asked that there be a point person through whom specific questions would be funneled. Loch volunteered to be the point person. Someone asked if he would address the studies that Kathy referenced earlier in the meeting. Response: Those were European standards. The EPA dealt with these issues before the chemical was registered. The DWR goes by EPA standards. It was also pointed out that certain decisions are made by people above those in the Southern Region office.

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Dave thanked them for coming and doing their job, but reiterated that we have concerns. Response: They appreciate our concern and interest. They are confident of the safety of the project.

Bill expressed appreciation for their time and patience. Gladys asked if it would be appropriate to make a resolution stating that, while we weren't players in the relicensing process, we should have been, and we are opposed to the rotenone poisoning. Bill stated that we did send a letter from the town earlier in the relicensing process, but he isn't opposed to doing another one. Gladys would like to have something in writing sent to USFS, DWR, Garkane, FERC and our representatives letting them know of our feelings and making them aware that we want to have a dialog with them. Matt asked if this resolution would address the rotenone poisoning. Response: It could be something as simple as a statement that Boulder Town opposes any further poisoning of the Boulder Creek drainage area as outlined in the settlement agreement and would be signed by the Council.

Department reports were given. Gladys is working on the cemetery. We need to have a representative at the November 16 meeting for the prioritization of county CIB projects. We will get a bid on trimming or removing the large trees in front of the building.

The Planning Commission meeting next week will center on the sign ordinance and a new survey for the General Plan.

Loch reported on the Russian Olive project of the Escalante River Partnership meeting he attended. They have \$5,000 available for removal of Russian Olive trees in Boulder. Anyone who is interested in participating should contact Loch or Sue Fearon. He is on several committees in that organization. Boulder Creek is the next project for Russian Olive removal. One rule they have made (which he doesn't think is a good policy) is that there is to be no public discussion about the policy of removal.

Wendell will see Wade Barney about replacing the existing Burr Trail directional sign on canal hill with one which is more clear and doesn't point directly at the Drain's driveway.

Gladys made a motion the meeting adjourn. Dennis seconded the motion. The vote was unanimous.

The meeting adjourned at 10:00.